City of Miami Beach - City Commission Meeting Commission Chambers, 3rd Floor, City Hall 1700 Convention Center Drive February 2, 2005

Mayor David Dermer Vice-Mayor Simon Cruz Commissioner Matti Herrera Bower Commissioner Luis R. Garcia, Jr. Commissioner Saul Gross Commissioner Jose Smith Commissioner Richard L. Steinberg

City Manager Jorge M. Gonzalez City Attorney Murray H. Dubbin City Clerk Robert E. Parcher

ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

ADDENDUM

C7 - Resolutions

C7G A Resolution Setting A Public Hearing For February 23, 2005, To Hear Public Comment, As Required By The City's Guidelines For Vacation Or Abandonment Of Streets Or Other Rights Of Way And Pursuant To Section 82-37 Of The City Code (Ordinance No. 92-2783), Regarding The Vacation Of An Alley, Containing Approximately 7,800 Square Feet, Adjacent To The Proposed AR&J SOBE, LLC (a/k/a Potamkin/Berkowitz) Project At Fifth Street And Alton Road, In Favor Of The Applicant (And Developer Of The Project), AR&J SOBE, LLC.

(City Manager's Office)

R9 - New Business and Commission Requests

R9A1 Nomination Of Mr. Jeremy T. Chestler, Managing Director Of The Art Center Of South Florida, To The Art In Public Places Committee.

(Requested by Commissioner Luis R. Garcia, Jr.)

CITY OF MIAMI BEACH COMMISSION ITEM SUMMARY



Condensed Title:

A Resolution setting a Public Hearing on February 23, 2005, to hear public comment, as required by the City's Guidelines for Vacation or Abandonment of Streets or Other Rights of Way and pursuant to Section 82-37 of the City Code (Ordinance No. 92-2783), regarding the vacation of an alley, containing approximately 7,800 square feet, adjacent to the proposed AR&J SOBE, LLC (a/k/a Potamkin/Berkowitz) project at Fifth Street and Alton Road, in favor of the applicant (and developer of the project), AR&J SOBE, LLC.

Issue:

Shall the Mayor and City Commission adopt the Resolution setting the public hearing on February 23, 2005 for the application for vacation of alley?

Item Summary/Recommendation:

Since July 2002, the Administration has been meeting with representatives of the site generally located on 5th Street and Alton Road, owned by the Potamkin family, to address a joint development opportunity and to review a preliminary site plan for a five (5) level mixed-use retail complex, including over 900 parking spaces and a supermarket.

In addition, as reported in May 2004 to the City Commission, the City and Developer have continued to address other issues including: Floor Area Ratio (FAR), Alley Vacation, Park and Ride Transit Facility components, Art in Public Places, Planning Board – Conditional Use, FTA funding eligibility and rising construction costs.

While the parties a continue to negotiate and finalize the terms of the Agreement, the Developer has requested to consider the Application for Vacation of Alley so the project development can proceed expeditiously. As you know, the Potamkin/Berkowitz group has received approval to implement a signage overlay district to permit effective signage for the Supermarket and for the retail tenants within the Project and the project has also received DRB/HP approval.

The proposed vacation will be subject to City Commission approval on February 23, 2005, pursuant to the City's vacation procedures and a public hearing to consider same. The alley shall revert to the City only i. In the event Developer does not enter into a supermarket lease (as defined in the proposed Development Agreement) on or before eighteen (18) months after the Effective Date of the Agreement or Construction Commencement, whichever comes first;

- ii. In the event Developer does not commence construction of the Project on or before September 1, 2006; and
- iii. In the event the Project is substantially modified from the Project approved by the Historic Preservation Board and Design Review Board, as referenced in the respective Board Orders issued in August 2004.

Advisory Board Recommendation:

N/A

Financial Information:

Source of		Amount	Account	Approved
Funds:	1			
	2			
	3			
	4			
Finance Dept.	Total			

City Clerk's Office Legislative Tracking:

Christina M. Cuervo

Sign-Offs:

Department Director	Assistant City Manager	Ι.,	City Manager
	Cul		Jang

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Agenda Item <u>C7G</u>

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139 www.miamibeachfl.gov



Date: February 2, 2005

COMMISSION MEMORANDUM

To:

Mayor David Dermer and

Members of the City Commission

From:

Jorge M. Gonzalez

City Manager

Subject:

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, SETTING A PUBLIC HEARING FOR FEBRUARY 23, 2005, TO HEAR PUBLIC COMMENT, AS REQUIRED BY THE CITY'S GUIDELINES FOR VACATION OR ABANDONMENT OF STREETS OR OTHER RIGHTS OF WAY AND PURSUANT TO SECTION 82-37 OF THE CITY CODE (ORDINANCE NO. 92-2783), REGARDING THE VACATION OF AN ALLEY, CONTAINING APPROXIMATELY 7,800 SQUARE FEET, ADJACENT TO THE PROPOSED AR&J SOBE, LLC (A/K/A POTAMKIN/BERKOWITZ) PROJECT AT FIFTH STREET AND

ALTON ROAD. IN FAVOR OF THE APPLICANT (AND DEVELOPER OF

THE PROJECT), AR&J SOBE, LLC.

<u>ADMINISTRATION RECOMMENDATION</u>

Adopt the Resolution setting the public hearing.

<u>ANALYSIS</u>

On June 7, 2000, the Mayor and City Commission adopted Resolution No. 2000-23963 designating the area bounded by 6th Street to the North, 5th Street to the South, Alton Road to the West and Lenox Avenue to the East, as a Brownfield area to promote the environmental restoration and economic redevelopment of the area.

Since July 2002, the Administration has been meeting with representatives of the site generally located on 5th Street and Alton Road, owned by the Potamkin family, to address a joint development opportunity and to review a preliminary site plan for a five (5) level mixed-use retail complex, including over 900 parking spaces and a supermarket. In accordance with the City Commission's directive and the community's identified needs, the City's interest in the project development was primarily focused on achieving the public benefit of locating a supermarket, exploring transit and excess parking opportunities, and developing a gateway project at one of the City's main arterial entryways.

Over the past two (2) years, the proposed project has been reviewed on several occasions by various City Committees including Finance & Citywide Projects Committee, Transportation and Parking Committee, Design Review Board and Historic Preservation Board. With the recommendations from these meetings, the parties have reached agreement on a majority of the substantive terms and conditions that would govern the City's joint participation, including the identification of Federal Transit Administration (FTA) funding, as the primary source, for the City's capital contribution to the project.

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While support for the Project is generally widespread, at both the Transportation and Parking and Finance and Citywide Projects Committee, the public raised some concerns on the economic viability of the parking operation and ingress/egress challenges to the site. The parties will continue to seek further community outreach with area businesses/residents as part of the FTA Environmental Assessment process.

In addition, as reported in May 2004 to the City Commission, the City and Developer have continued to address other issues including: Floor Area Ratio (FAR), Alley Vacation, Park and Ride Transit Facility components, Art in Public Places, Planning Board – Conditional Use, FTA funding eligibility and rising construction costs.

While the parties continue to negotiate and finalize the terms of the Agreement, the Developer has requested to consider the Application for Vacation of Alley so the project development can proceed expeditiously. As you know, the Potamkin/Berkowitz group has received approval to implement a signage overlay district to permit effective signage for the Supermarket and for the retail tenants within the Project and the project has also received DRB/HP approval.

The City is the holder of a public right-of-way easement and an alley adjacent to the Project, containing approximately 7,800 square feet (the Alley). In consideration of the public benefits being provided by Developer in the Project, the City is considering vacating the Alley, subject to final approval by the City Commission at a scheduled public hearing on February 23, 2005, for incorporation into the Project, subject to the following possible reverter and/or a reconveyance provisions:

- In the event Developer does not enter into a supermarket lease (as defined in the proposed Development Agreement) on or before eighteen (18) months after the Effective Date of the Agreement or Construction Commencement, whichever comes first;
- ii. In the event Developer does not commence construction of the Project on or before September 1, 2006; and
- iii. In the event the Project is substantially modified from the Project approved by the Historic Preservation Board and Design Review Board, as referenced in the respective Board Orders issued in August 2004.

The City's Public Works Department has received and reviewed the Developer/Applicant's request for vacation of the Alley. Pursuant to the City's Guidelines for Vacation or Abandonment of Streets or Other Rights of Way, the Developer/Applicant is also required to comply with the requirements of Miami Beach City Code, Section 82-37 (Ordinance No. 92-2783); accordingly, the Mayor and City Commission are required to hold a public hearing to hear public comment as to the aforestated request for vacation.

It is recommended the City Commission set the public hearing for February 23, 2005.



RESOLUTION NO.

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, SETTING A PUBLIC HEARING FOR FEBRUARY 23, 2005, TO HEAR PUBLIC COMMENT, AS REQUIRED BY THE CITY'S GUIDELINES FOR VACATION OR ABANDONMENT OF STREETS OR OTHER RIGHTS OF WAY AND PURSUANT TO SECTION 82-37 OF THE CITY CODE (ORDINANCE NO. 92-2783), REGARDING THE VACATION OF AN ALLEY, CONTAINING APPROXIMATELY 7,800 SQUARE FEET, ADJACENT TO THE PROPOSED AR&J SOBE, LLC (A/K/A POTAMKIN/BERKOWITZ) PROJECT AT FIFTH STREET AND ALTON ROAD, IN FAVOR OF THE APPLICANT (AND DEVELOPER OF THE PROJECT), AR&J SOBE, LLC.

WHEREAS, on June 7, 2000, the Mayor and City Commission adopted Resolution No. 2000-23963, designating the area bounded by 6th Street to the North, 5th Street to the South, Alton Road to the West, and Lenox Avenue to the East, as a Brownfield area to promote the environmental restoration and economic redevelopment of the area; and

WHEREAS, since July 2002, the Administration has been meeting with representatives of the site generally located on 5th Street and Alton Road, owned by the Potamkin family, to address a joint development opportunity and to review a preliminary site plan for a five (5) level mixed-use retail complex, including over 900 parking spaces and a supermarket (the Project); and

WHEREAS, in accordance with the City Commission's directive and the community's identified needs, the City's interest in the Project development is primarily focused on achieving the respective public benefits of locating a supermarket, exploring transit and excess parking opportunities, and developing a gateway project, at one of the City's main arterial entryways; and

WHEREAS, over the past two (2) years, the proposed Project has been reviewed on several occasions by various City Committees including Finance & Citywide Projects Committee, Transportation and Parking Committee, Design Review Board, and Historic Preservation Board; and

WHEREAS, the City and the developer of the Project, AR&J SOBE, LLC (Developer), are in the process of finalizing the terms of a Development Agreement, memorializing the parties' respective obligations with respect to development of the Project; and

WHEREAS, the City is the holder of a public right-of-way easement and an alley adjacent to the Project, containing approximately 7,800 square feet (the Alley); and

WHEREAS, in consideration of the public benefits being provided by Developer in the Project, the City is considering vacating the Alley, subject to final approval by the City Commission at a scheduled public hearing on February 23, 2005, for incorporation into the Project, subject to the following possible reverter and/or a reconveyance provisions:

- i. In the event Developer does not enter into a supermarket lease (as defined in the proposed Development Agreement) on or before eighteen (18) months after the Effective Date of the Agreement or Construction Commencement, whichever comes first;
- ii. In the event Developer does not commence construction of the Project on or before September 1, 2006;
- iii. In the event the Project is substantially modified from the Project approved by the Historic Preservation Board and Design Review Board, as referenced in the respective Board Orders issued in August 2004; and

WHEREAS, the City's Public Works Department has received and reviewed the Developer/Applicant's request for vacation of the Alley; and

WHEREAS, pursuant to the City's Guidelines for Vacation or Abandonment of Streets or Other Rights of Way, the Developer/Applicant is also required to comply with the requirements of Miami Beach City Code, Section 82-37 (Ordinance No. 92-2783); accordingly, the Mayor and City Commission are required to hold a public hearing to hear public comment as to the aforestated request for vacation.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the City Commission set a Public Hearing on February 23, 2005, to be held in the City Commission Chambers, third floor, 1700 Convention Center Drive, Miami Beach, Florida, to hear public comment, as required by the City's Guidelines for Vacation or Abandonment of Streets or Other Rights of Way, and pursuant to Section 82-37 of the City Code (Ordinance No. 92-2783), regarding the vacation of an alley, containing approximately 7,800 square feet, adjacent to the proposed AR&J SOBE, LLC (a/k/a Potamkin/Berkowitz) project at Fifth Street and Alton Road, in favor of the Project Developer, AR&J SOBE, LLC.

PASSED and ADOPTED this _	day of, 2005.	
ATTEST:		
	· <u></u>	MAYOR
CITY CLERK		

JMG/CMC/rar
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APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION

City Attorney Date



CITY OF MIAMI BEACH OFFICE OF THE MAYOR & COMMISSION MEMORANDUM

TO:

JORGE M. GONZALEZ

CITY MANAGER

FROM:

LUIS R. GARCIA JR. COMMISSIONER

DATE:

JANUARY 31, 2005

RE:

AGENDA ITEM

Please place on the February 2nd Commission agenda to nominate Mr. Jeremy T. Chestler Managing Director of the Art Center of South Florida to the Art in Public Places Committee.

Thank you.